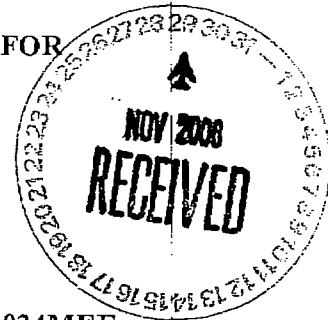


IN THE UNITED STATES DISTRICT COURT FOR  
THE MIDDLE DISTRICT OF ALABAMA  
SOUTHERN DIVISION



KAREN LURIE,

Plaintiff,

v.

Case No. 1:06-cv-0034MEF

GLOBE LIFE AND ACCIDENT  
INSURANCE COMPANY, et al.

Defendants.

AMENDED NOTICE OF DEPOSITION

TO: Christopher E. Sanspree, Esq.  
Beasley, Allen, Crow, Methvin, Portis & Miles, P.C.  
Post Office Box 4160  
Montgomery, Alabama 36103-4160

William B. Matthews, Jr., Esq.  
Matthews & Filmore, LLC  
Post Office Box 1145  
Ozark, Alabama 36361

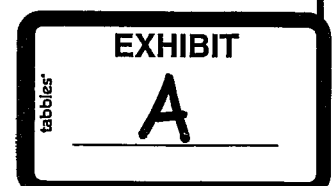
DEPONENT: John Allen

TIME: 9:30 a.m.

DATE: December 7, 2006

LOCATION: Law Office of Beasley, Allen, Crow, Methvin, Portis & Miles, P.C.  
272 Commerce Street  
Montgomery, Alabama 36104

Please take notice that at the above stated time, date and location, Defendant, Globe Life and Accident Insurance Company, will, by oral examination, take the testimony of John Allen for the purpose of discovery and/or for use as evidence in this action, before a court reporter or before some other duly qualified officer, in accordance with the Federal Rules of Civil Procedure. The oral examination will continue until completed.



The deponent is commanded to bring to the deposition the documents described in Exhibit "A" attached hereto.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'R. Poundstone IV', with a long horizontal line extending to the right.

Robert E. Poundstone IV (POU006)  
**One of the Attorneys for Defendant Globe  
Life and Accident Insurance Company**

OF COUNSEL

Philip H. Butler  
Robert E. Poundstone IV  
Bradley Arant Rose & White LLP  
The Alabama Center for Commerce  
401 Adams Avenue, Suite 780  
Montgomery, AL 36104  
Telephone: (334) 956-7700  
Facsimile: (334) 956-7701

**CERTIFICATE OF SERVICE**

I hereby certify that I have served a copy of this document on:

Christopher E. Sanspree, Esq.  
Beasley, Allen, et al.  
Post Office Box 4160  
Montgomery, Alabama 36103-4160

William B. Matthews, Jr., Esq.  
Matthews & Filmore, L.L.C.  
Post Office Box 1145  
Dothan, Alabama 36361

by placing copies in the United States Mail, first-class postage prepaid and addressed to their regular mailing addresses, on this 28th day of November, 2006.

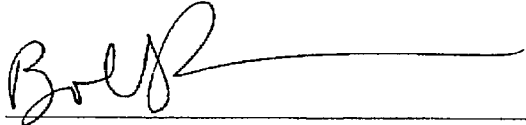
  
\_\_\_\_\_  
OF COUNSEL

EXHIBIT A

1. Any and all documents considered by you in forming your opinions in this case.
2. Any file maintained with respect to any of the parties in this action.
3. A current curriculum vitae or resume.
4. All articles, books, treatises or other writings which the deponent has published relative to the subject matter upon which he is expected to testify in this case.
5. Any notes made by you regarding all work and any other studies done in this case.
6. All notes or correspondence with anyone in connection with this lawsuit.
7. All documents, notes, memos, reports, correspondence, records, computer information, and any and all other documents or data upon which you have relied in forming your opinions in this case.
8. All reports made by you in connection with this lawsuit.
9. All exhibits you intend to introduce, use, or refer to at the trial of this case.
10. All treatises, articles, books, or other information used or relied upon by you in forming any opinions in this case.
11. All standards, rules, guidelines, regulations or any other written materials upon which the deponent relies in order to form the basis of any opinion in this case.
12. Your entire file on this case.
13. A listing of other cases you have testified in, either at trial or by deposition, in the past.
14. Transcripts of all testimony given by the deponent at trial, in deposition or otherwise at anytime within the past ten years.

## FREEDOM COURT REPORTING

<p style="text-align: right;">Page 1</p> <p>1 IN THE UNITED STATES DISTRICT COURT 2 FOR THE MIDDLE DISTRICT OF ALABAMA 3 SOUTHERN DIVISION 4 5 KAREN LURIE, 6 Plaintiff, 7 versus 1:06-CV-0034MEF 8 GLOBE LIFE AND ACCIDENT 9 INSURANCE COMPANY, et al., 10 Defendants. 11 12 ***** 13 14 DEPOSITION OF JOHN H. ALLEN, 15 taken pursuant to stipulation and agreement 16 before Jackie Parham, Certified Shorthand 17 Reporter and Commissioner for the State of 18 Alabama at Large, in the law offices of 19 Beasley, Allen, Crow, Methvin, Portis &amp; Miles, 20 272 Commerce Street, Montgomery, Alabama, on 21 Thursday, the 7th day of December, 2006, 22 commencing at approximately 9:30 a.m. 23</p>	<p style="text-align: right;">Page 3</p> <p>1 STIPULATION 2 It is hereby stipulated and agreed by 3 and between counsel representing the parties 4 that the deposition of 5 JOHN H. ALLEN 6 may be taken before Jackie Parham, Certified 7 Shorthand Reporter and Commissioner for the 8 State of Alabama at Large, without the 9 formality of a commission, and all formality 10 with respect to other procedural requirements 11 is waived; that objections to questions, other 12 than objections as to the form of the question, 13 need not be made at this time, but may be 14 reserved for a ruling at such time as the said 15 deposition may be offered in evidence or used 16 for any other purpose, by either party, as 17 provided for by the Federal Rules of Civil 18 Procedure. 19 It is further stipulated and agreed by 20 and between the parties hereto and the witness 21 that the signature of the witness to this 22 deposition is hereby not waived. 23</p>
<p style="text-align: right;">Page 2</p> <p>1 APPEARANCES 2 3 APPEARING ON BEHALF OF THE PLAINTIFF: 4 CHRISTOPHER E. SANSPREE, ESQUIRE 5 Beasley, Allen, Crow, Methvin, 6 Portis &amp; Miles 7 272 Commerce Street 8 Montgomery, Alabama 36104 9 10 11 APPEARING ON BEHALF OF THE DEFENDANTS: 12 PHILIP H. BUTLER, ESQUIRE 13 Bradley, Arant, Rose &amp; White 14 401 Adams Avenue 15 Suite 780 16 Montgomery, Alabama 36104 17 18 19 ***** 20 21 22 23</p>	<p style="text-align: right;">Page 4</p> <p>1 INDEX OF EXHIBITS 2 3 DX-1 (Allen depo in Moorers case) ..... 13 4 DX-1A (Page 158 of Allen depo in ..... 13 5 Moorers case) 6 DX-2 (CV) ..... 16 7 DX-3 (John Allen depo in ..... 23 8 Provident case) 9 DX-3A (Pages 33 - 36 of John ..... 23 10 Allen depo in Provident 11 case) 12 DX-4 (John Allen depo in American ... 32 13 Fidelity case) 14 DX-4A (Page 19 of John Allen depo ... 32 15 in Am. Fidelity case) 16 DX-1B (Page 25 of John Allen depo ... 36 17 in Moorers case) 18 DX-5 (John Allen depo in American ... 55 19 Pioneer case) 20 DX-5A (Page 16 of depo of John ..... 55 21 Allen in Am. Pioneer case) 22 DX-6 (Cover of book entitled ..... 68 23 Liability Claim Practices)</p>

1 (Pages 1 to 4)

367 VALLEY AVENUE  
(205) 397-2397 BIRMINGHAM, ALABAMA 1-877-37

EXHIBIT

B

tabbles

## FREEDOM COURT REPORTING

<p style="text-align: right;">Page 153</p> <p>1 form.</p> <p>2 A. That would be from having reviewed and</p> <p>3 worked with life claims as an expert and</p> <p>4 as a consultant.</p> <p>5 Q. For lawyers in civil cases?</p> <p>6 A. Yes.</p> <p>7 Q. Thank you, sir. That's all.</p> <p>8 (Off-the-Record discussion)</p> <p>9 MR. BUTLER: Let's mark this as</p> <p>10 our next number, number 12.</p> <p>11 We will mark it as 12 and</p> <p>12 we'll get that back to you,</p> <p>13 Mr. Allen.</p> <p>14 (Defendant's Exhibit 12 marked</p> <p>15 for purposes of identification)</p> <p>16 MR. BUTLER: What is 12?</p> <p>17 THE WITNESS: Exhibit 12 is a</p> <p>18 three-ring binder that I</p> <p>19 prepared that has my</p> <p>20 handwritten notes,</p> <p>21 deposition summaries, and</p> <p>22 documents that were produced</p> <p>23 by the plaintiff and</p>	<p style="text-align: right;">Page 155</p> <p>1 KAREN LURIE,</p> <p>2 Plaintiff,</p> <p>3 versus 1:06-CV-0034MEF</p> <p>4 GLOBE LIFE AND ACCIDENT</p> <p>5 INSURANCE COMPANY, et al.,</p> <p>6 Defendants.</p> <p>7</p> <p>8 on Thursday, the 7th day of December, 2006.</p> <p>9 The foregoing 154 computer-printed pages</p> <p>10 contain a true and correct transcript of the</p> <p>11 examination of said witness by counsel for the</p> <p>12 parties set out herein. The reading and signing</p> <p>13 of same is hereby not waived.</p> <p>14 I further certify that I am neither of kin</p> <p>15 nor of counsel to the parties to said cause, nor</p> <p>16 in any manner interested in the results thereof.</p> <p>17</p> <p>18</p> <p>19 JACKIE PARHAM, Certified</p> <p>20 Shorthand Reporter and</p> <p>21 Commissioner for the State</p> <p>22 of Alabama at Large</p> <p>23</p>
<p style="text-align: right;">Page 154</p> <p>1 defendant.</p> <p>2 MR. BUTLER: Thank you, sir.</p> <p>3</p> <p>4 *****</p> <p>5 FURTHER DEPONENT SAITH NOT</p> <p>6 *****</p> <p>7</p> <p>8 REPORTER'S CERTIFICATE</p> <p>9 STATE OF ALABAMA,</p> <p>10 MONTGOMERY COUNTY,</p> <p>11 I, Jackie Parham, Certified Shorthand</p> <p>12 Reporter and Commissioner for the State of</p> <p>13 Alabama at Large, do hereby certify that I</p> <p>14 reported the deposition of:</p> <p>15 JOHN H. ALLEN,</p> <p>16 who was first duly sworn by me to speak the</p> <p>17 truth, the whole truth, and nothing but the</p> <p>18 truth, in the matter of:</p> <p>19</p> <p>20 IN THE UNITED STATES DISTRICT COURT</p> <p>21 FOR THE MIDDLE DISTRICT OF ALABAMA</p> <p>22 SOUTHERN DIVISION</p> <p>23</p>	

39 (Pages 153 to 155)

367 VALLEY AVENUE  
(205) 397-2397 BIRMINGHAM, ALABAMA 1-877-373-3660



February 28, 2007

Philip H. Butler, Attorney  
The Alabama Center for Commerce  
401 Adams Ave. Suite 780  
Montgomery, Alabama 36104

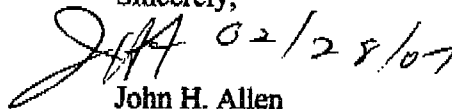
**Re: Karen Lurie v. Globe Life & Accident Insurance Co. ,et al**

Dear Mr. Butler:

Your were previously forwarded my bill of January 3, 2007 for my deposition that you noticed and took on 12-07-06. The expenses and fees have not been paid to date. Attached is an inquiry letter of 02-20-07, from Attorney Sanspree requesting the status of the payment as it has not been received to date.

Attached is a copy of that invoice and I would appreciate your seeing that this is paid by March 10, 2007, as there has been ample time to pay this bill.

Sincerely,

 02/28/07  
John H. Allen



March 14, 2007

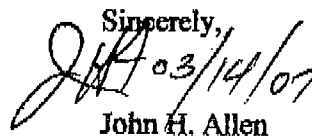
Philip H. Butler, Attorney  
The Alabama Center for Insurance  
401 Adams Ave. Suite 780  
Montgomery, Alabama 36104

**Re: Karen Lurie v. Globe Life and Accident Ins. Co. et al.**

Dear Mr. Butler:

Attached are copies of the previous correspondence sent to you concerning my Fees and expenses for my deposition that you took in December ,2006 that remain unpaid after multiple requests and no response from you.

If payment in full is not received by 03-14-07, I will take this matter to the Court and the Alabama Bar Association for your blatant inaction, failure to communicate and failure to pay the bill.

Sincerely,  
  
John H. Allen

Letter Enclosures: 01-03-07  
02-20-07  
02-28-07

COPY

January 3, 2007

Christopher E. Sanspree, Esquire  
PO Box 4160  
Montgomery, Alabama 36103-4160

**RE: Lurie v. Globe Life Ins.**

Dear Mr. Sanspree:

The following is my bill for services in giving my deposition in the above referred matter. It is my understanding that Attorney Butler is responsible for this bill.

Please forward this bill to his attention. Attached is a copy of this billing for your file.

**Fees:**

12-07-06	Travel to and from Montgomery. Give deposition Testimony.	7.50 hrs.
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**Expenses:**

12-07-06	Mileage	= \$ 91.00
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Fees = 7.50 hours at \$ 175.00 per hour = \$ 1,312.50

Expenses = 91.00

Total Due \$ 1,403.50

Tax ID 423-64-9141

Sincerely,

*JHA 02/28/07*  
John H. Allen

cc. Chris Sanspree